

**18RI-CV00649**

**NOTICE OF ENTRY**  
(SUPREME COURT RULE 74.03)

In The 36th Judicial Circuit Court, Ripley County, Missouri  
100 COURTHOUSE SQUARE, DONIPHAN, MISSOURI 63935

**ST V CHARLES M HAYNES**

**CASE NO : 13RI-CR00907-01**

To: MISSOURI BOARD OF PROBATION & PAROLE

YOU ARE HEREBY NOTIFIED that the court duly entered the following:

<u>Filing Date</u>	<u>Description</u>
04-Sep-2018	<p>GUILTY PLEA</p> <p>Cause called in Wayne County, Missouri. State appears by Ms. Krug. Defendant appears in person and with Mr. Liszewski and Mr. Mills. Defendant enters guilty plea to Count 4. State enters nolle prosequi as to Counts 1, 2, and 3. The court orders a SAR to be prepared and filed. Cause removed from the jury trial docket on September 25-27, 2018. Cause set for sentencing in Ripley County on November 26, 2018 at 1:00 p.m. Defendant is ordered to appear.</p> <p>Scheduled For: 25-Sep-2018 8:30 AM; KELLY WAYNE PARKER; COURTROOM 1; Ripley</p> <p>Event Location: 100 Courthouse Square, Doniphan, Mo</p> <p>Sent Assessment Report Ordered</p>
05-Sep-2018	<p>Sentencing Hearing Scheduled</p> <p>Scheduled For: 26-Nov-2018 1:00 PM; KELLY WAYNE PARKER; COURTROOM 1; Ripley</p> <p>Event Location: 100 Courthouse Square, Doniphan, Mo</p> <p>Notice</p>

*Sharon R. Richmond*

Clerk of Court

CC: File  
MISSOURI BOARD OF PROBATION & PAROLE

ECC:

Date Printed : 05-Sep-2018

**EXHIBIT 40**

**18RI-CV00649**

## IN THE 36TH JUDICIAL CIRCUIT COURT, RIPLEY COUNTY MISSOURI

<b>Judge or Division :</b> KELLY WAYNE PARKER (40568)		<b>Case Number : 13RI-CR00907-01</b> <input type="checkbox"/> Change of Venue from
		<b>Offense Cycle No : X9003104</b>
<b>State Of Missouri</b> <b>Defendant:</b> CHARLES MICHAEL HAYNES (HAYCM8343) Rt 1 Box 2312 Doniphan, Mo 63935	<b>vs.</b>	<b>Prosecuting Attorney/MO Bar No:</b> CHRISTOPHER J MILLER (25668) <b>Assistant Attorney General/MO Bar No:</b> CHRISTINE HYMES KRUG (42588) <b>Defense Attorney/MO Bar No :</b> THEODORE ERIC LISZEWSKI (56400)
<b>DOB : 23-Mar-1960</b> <b>SSN : 158488343</b> <b>SEX : M</b>		
<b>Pre-Sentence Assessment Report Ordered</b>		<b>Appeal Bond Set Date :</b> <b>Amount :</b>
<b>Judgment</b>		

	Charge #	Charge Date	Charge Code	Charge Description
<b>Original Charge:</b>	1	23-Nov-2013	1109700	Statutory Sodomy - 1st Degree - Deviate Sexual Intercourse With A Person Less Than 14 Yrs Old ( Felony Unclassified RSMo: 566.062 )
<b>Disposition:</b>	04-Sep-2018	Dismissed by Prosec/Nolle Pros		
	Charge #	Charge Date	Charge Code	Charge Description
<b>Original Charge:</b>	2	23-Nov-2013	2210700	Child Molestation - 1st Degree ( Felony B RSMo: 566.067 )
<b>Disposition:</b>	04-Sep-2018	Dismissed by Prosec/Nolle Pros		
	Charge #	Charge Date	Charge Code	Charge Description
<b>Original Charge:</b>	3	23-Nov-2013	1107700	Statutory Sodomy - 2nd Degree ( Felony C RSMo: 566.064 )
<b>Disposition:</b>	04-Sep-2018	Dismissed by Prosec/Nolle Pros		
	Charge #	Charge Date	Charge Code	Charge Description
<b>Original Charge:</b>	4	01-Dec-2013	1107700	Statutory Sodomy - 2nd Degree ( Felony C RSMo: 566.064 )
<b>Disposition:</b>	04-Sep-2018	Guilty Plea		
<b>Order Date:</b>	12-Dec-2018	<b>Sentence or SIS :</b> Incarceration DOC		
<b>Length :</b>	7 Years	<b>Start Date :</b> 12-Dec-2018		
<b>Text :</b>	7 yrs MDOC			
<b>Time Credit :</b>	4 Days (12-1-13 to 12-3-13; 2-24-14 to 2-26-14)			

The court informed the defendant of verdict/finding, asks the defendant whether (s)he has anything to say why judgment should not be pronounced, and finds that no sufficient cause to the contrary has been shown or appears to the court.

Defendant has been advised of his/her rights to file a motion for post-conviction relief pursuant to Supreme Court Rule 24.035/29.15 and the court has found **No Probable Cause** to believe that defendant has received ineffective assistance of counsel.

The Court orders:

The clerk to deliver a certified copy of the judgment and commitment to the sheriff.

The sheriff to authorize one additional officer/guard to transport defendant to Department of Corrections.

The Defendant to register as a sex offender with the chief law enforcement official of the county or city not within a county in which (s)he resides within three (3) business days of adjudication, release from incarceration, or placement on probation.

That Judgment entered in favor of the State of Missouri and against the defendant for the sum of \$46.00 for the Crime Victims Compensation fund. Judgment is Satisfied.

Costs taxed against Defendant

The Court further orders:

12-Dec-2018 Judgment CVC \$46 - Other

12-Dec-2018 Defendant Sentenced

AUTHORIZE ADDITIONAL OFFICER - Yes; DELIVER CERTIF COPY OF JUDMT - Yes; 24.035/29.15

INEFFECT COUNSEL - No; ALLOCUTION - Yes

So Ordered on: 13RI-CR00907-01 ST V CHARLES M HAYNES

12-12-18

Kelly W. Parker

Date

Judge

I certify that the above is a true copy of the original Judgment and Sentence of the court in the above cause, as it appears on record in my office.

(Seal of Court)

Issued



12/12/2018

Date

Sharon R. Richmond

Clerk

IN THE CIRCUIT COURT WITHIN AND FOR  
THE COUNTY OF RIPLEY,

STATE OF MISSOURI,

STATE OF MISSOURI	)	
	)	
PLAINTIFF,	)	
	)	CASE NO. 13RI-CR00907-01
VS.	)	
	)	
CHARLES M. HAYNES	)	
	)	
DEFENDANT.	)	

BE IT REMEMBERED THAT ON THE 4<sup>TH</sup> DAY OF SEPTEMBER,  
2018, THE ABOVE ENTITLED CAUSE CAME ON FOR HEARING  
BEFORE THE HONORABLE KELLY W. PARKER, JUDGE OF THE 42<sup>ND</sup>  
JUDICIAL CIRCUIT, DIVISION II, AT WAYNE COUNTY,  
MISSOURI, AND THE FOLLOWING PROCEEDINGS WERE HAD:

APPEARANCES:

FOR THE PLAINTIFF: CHRISTINE KRUG, ESQ.  
ASSISTANT ATTORNEY GENERAL  
815 OLIVE STREET  
SUITE 200  
ST. LOUIS, MISSOURI 63101

FOR THE DEFENDANT: THEODORE LISZEWSKI, ESQ.  
ATTORNEY AT LAW  
220 NORTH MAIN STREET  
SIKESTON, MISSOURI 63801  
DAVID MILLS, ESQ.  
ATTORNEY AT LAW  
1100 N. ELM STREET  
P.O. BOX 248  
ROLLA, MISSOURI 65402

1       **PLEA HEARING - SEPTEMBER 4, 2018:**

2                   THE COURT: WE'RE ON THE RECORD IN STATE VS.  
3       CHARLES HAYNES. WE ARE IN WAYNE COUNTY, MISSOURI.  
4       THIS MATTER WAS ON FOR HEARING SOME MOTIONS TODAY AND  
5       THE ATTORNEYS AGREED TO COME HERE BECAUSE IT WAS MY  
6       WAYNE COUNTY LAW DAY, SO WE PUT IT ON AT 1:00 O'CLOCK  
7       TODAY BY AGREEMENT OF ALL PARTIES. IT'S MY  
8       UNDERSTANDING THAT THE DEFENDANT DESIRES TO ENTER A  
9       GUILTY PLEA AS TO COUNT FOUR, DID I HEAR CORRECTLY?

10                  MR. LISZEWSKI: YES SIR.

11                  THE COURT: OKAY AND AS TO COUNTS ONE, TWO  
12       AND THREE, THE STATE WILL...

13                  MS. KRUG: THE STATE WILL DISMISS THOSE  
14       PURSUANT TO HIS GUILTY PLEA.

15                  THE COURT: OKAY. SIR YOU ARE CHARLES  
16       HAYNES?

17                  DEFENDANT: YES SIR.

18                  THE COURT: AND YOU'RE HERE WITH MR.  
19       LISZEWSKI AND MR. MILLS?

20                  DEFENDANT: YES.

21                  THE COURT: AND THEY TELL ME THAT YOU WISH TO  
22       WITHDRAW YOUR PREVIOUS PLEA OF NOT GUILTY AS TO COUNT  
23       FOUR AND ENTER A GUILTY PLEA AS TO COUNT FOUR, IS THAT  
24       WHAT YOU WISH TO DO?

25                  DEFENDANT: YES.

1 THE COURT: HAVE YOU HAD ENOUGH TIME TO VISIT  
2 WITH YOUR ATTORNEYS ABOUT THIS CASE?

3 DEFENDANT: YES.

4 THE COURT: HOW OLD ARE YOU?

5 DEFENDANT: FIFTY-EIGHT.

6 THE COURT: HOW FAR IN SCHOOL HAVE YOU  
7 COMPLETED?

8 DEFENDANT: UP TO 11<sup>TH</sup> GRADE, HIGH SCHOOL.

9 THE COURT: DO YOU READ AND WRITE THE ENGLISH  
10 LANGUAGE?

11 DEFENDANT: YES.

12 THE COURT: SIR HOW DO YOU PLEAD TO THE CLASS  
13 C FELONY OF STATUTORY SODOMY IN THE SECOND DEGREE,  
14 GUILTY OR NOT GUILTY?

15 DEFENDANT: GUILTY.

16 THE COURT: IF YOU'LL RAISE YOUR RIGHT HAND  
17 AND BE PLACED UNDER OATH.

18 (AT THIS TIME CHARLES M. HAYNES WAS SWORN TO TELL THE  
19 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,  
20 AFTER WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)

21 THE COURT: SIR NOW THAT YOU'VE BEEN PLACED  
22 UNDER OATH IF I WERE TO ASK YOU THE SAME QUESTIONS I  
23 ASKED BEFORE YOU WERE PLACED UNDER OATH, WOULD YOUR  
24 ANSWERS BE THE SAME?

25 DEFENDANT: YES.

1 THE COURT: ARE YOU UNDER THE INFLUENCE OF  
2 ALCOHOL, NARCOTICS OR ANY KIND OF MEDICATION TODAY?

3 DEFENDANT: NO SIR.

4 THE COURT: DO YOU UNDERSTAND YOU HAVE A  
5 RIGHT TO HAVE A JURY DETERMINE YOUR GUILT OR INNOCENCE  
6 AT A SPEEDY AND PUBLIC TRIAL?

7 DEFENDANT: YES.

8 THE COURT: DO YOU UNDERSTAND BY PLEADING  
9 GUILTY YOU WAIVE THAT RIGHT AND WILL NOT HAVE A JURY  
10 TRIAL?

11 DEFENDANT: YES.

12 THE COURT: DO YOU UNDERSTAND IF YOU HAD A  
13 TRIAL AND YOU WERE FOUND GUILTY YOU WOULD HAVE A RIGHT  
14 TO APPEAL THAT FINDING TO A HIGHER COURT?

15 DEFENDANT: YES.

16 THE COURT: DO YOU UNDERSTAND AT THE TRIAL  
17 OF THE CHARGE AGAINST YOU YOU WOULD BE CONFRONTED BY  
18 THOSE WHO WOULD TESTIFY CONCERNING YOUR PARTICIPATION  
19 IN THE OFFENSE CHARGED, HEAR THAT TESTIMONY AND BE  
20 ALLOWED TO ASK THOSE WITNESSES QUESTIONS ON CROSS  
21 EXAMINATION?

22 DEFENDANT: YES.

23 THE COURT: DO YOU UNDERSTAND BY PLEADING  
24 GUILTY YOU WAIVE ALL THOSE RIGHTS AND WILL NOT BE  
25 CONFRONTED BY THE WITNESSES AGAINST YOU OR HEAR THEIR

1 TESTIMONY OR BE ALLOWED TO ASK THOSE WITNESSES  
2 QUESTIONS ON CROSS EXAMINATION?

3 DEFENDANT: YES.

4 THE COURT: DO YOU UNDERSTAND THAT AT A TRIAL  
5 OF THE CHARGE AGAINST YOU YOU WOULD BE PRESUMED TO BE  
6 INNOCENT UNTIL PROVEN GUILTY AND YOUR GUILT WOULD HAVE  
7 TO BE PROVEN BY EVIDENCE WHICH CONVINCES THE JURY OF  
8 YOUR GUILT BEYOND A REASONABLE DOUBT AND ALL TWELVE OF  
9 THE JURORS WOULD HAVE TO AGREE THAT YOU ARE GUILTY  
10 BEFORE THE JURY COULD FIND YOU GUILTY?

11 DEFENDANT: YES.

12 THE COURT: DO YOU UNDERSTAND YOU HAVE A  
13 RIGHT NOT TO SAY ANYTHING WHICH MIGHT INCRIMINATE YOU  
14 WITH REGARD TO THIS CHARGE?

15 DEFENDANT: YES.

16 THE COURT: DO YOU FURTHER UNDERSTAND THAT BY  
17 PLEADING GUILTY YOU ARE MAKING AN INCRIMINATING  
18 STATEMENT WITH REGARD TO THE CHARGE AND THE  
19 PRESUMPTION THAT YOU ARE INNOCENT AND THE REQUIREMENT  
20 THAT A JURY BE CONVINCED OF YOUR GUILT BEYOND A  
21 REASONABLE DOUBT ARE LOST TO YOU?

22 DEFENDANT: YES.

23 THE COURT: DO YOU UNDERSTAND THAT AT A TRIAL  
24 OF THE CHARGE AGAINST YOU YOU WOULD BE ENTITLED TO HAVE  
25 PERSONS SUMMONED TO TESTIFY AS WITNESSES IN YOUR



1 BEHALF?

2 DEFENDANT: YES.

3 THE COURT: DO YOU UNDERSTAND THAT BY  
4 PLEADING GUILTY YOU WAIVE THAT RIGHT AND WILL NOT BE  
5 ALLOWED TO SUMMON WITNESSES TO TESTIFY FOR YOU?

6 DEFENDANT: YES.

7 THE COURT: DO YOU UNDERSTAND YOU COULD  
8 TESTIFY AT YOUR TRIAL IF YOU WANTED TO BUT YOU COULD  
9 NOT BE FORCED TO DO SO AND IF YOU CHOSE TO REMAIN  
10 SILENT NO ONE COULD COMMENT UPON YOUR SILENCE?

11 DEFENDANT: YES.

12 THE COURT: DO YOU UNDERSTAND YOU HAVE A  
13 RIGHT TO A CHANGE OF VENUE TO ANOTHER COUNTY UPON  
14 PROPER APPLICATION?

15 DEFENDANT: YES.

16 THE COURT: WAS THERE A CHANGE OF VENUE TAKEN  
17 IN THIS CASE?

18 MR. LISZEWSKI: THERE WAS NOT JUDGE.

19 THE COURT: OKAY YOU UNDERSTAND, WAS THERE A  
20 CHANGE OF JUDGE REQUEST OR WAS THERE A  
21 DISQUALIFICATION?

22 MR. LISZEWSKI: JUDGE PRITCHETT RECUSED  
23 HIMSELF BECAUSE HE WAS INVOLVED IN THE JUVENILE CASE.

24 THE COURT: HE DISQUALIFIED AND I GOT  
25 ASSIGNED?

1 MR. LISZEWSKI: YES SIR.

2 THE COURT: SIR YOU UNDERSTAND THAT AFTER I  
3 GOT ASSIGNED TO YOUR CASE YOU HAD A RIGHT TO REQUEST A  
4 CHANGE OF JUDGE AND HAVE A DIFFERENT JUDGE PRESIDE OVER  
5 YOUR TRIAL OR TAKE YOUR GUILTY PLEA?

6 DEFENDANT: YES.

7 THE COURT: OKAY. YOU UNDERSTAND THAT BY  
8 PLEADING GUILTY YOU WAIVE YOUR RIGHT TO TRIAL AND ADMIT  
9 THE ESSENTIAL ELEMENTS OF THE CHARGE AGAINST YOU IN  
10 COUNT FOUR?

11 DEFENDANT: YES.

12 THE COURT: HAVE ANY THREATS OR PROMISES BEEN  
13 MADE TO YOU TO INDUCE YOU TO ENTER YOUR PLEA OF GUILTY?

14 DEFENDANT: NO.

15 THE COURT: HAS ANYONE MADE ANY PROMISE ABOUT  
16 THE SENTENCE YOU ARE TO RECEIVE?

17 DEFENDANT: NO.

18 THE COURT: DO YOU UNDERSTAND THAT NO ONE CAN  
19 PROMISE YOU WHAT YOUR SENTENCE WILL BE AND ANY SUCH  
20 PROMISE IS NOT BINDING UPON THE COURT AND THE COURT  
21 CAN IMPOSE ANY SENTENCE WITHIN THE RANGE OF PUNISHMENT  
22 PERMITTED BY LAW?

23 DEFENDANT: YES.

24 THE COURT: SIR WHAT IS THE RANGE OF  
25 PUNISHMENT ON THIS CLASS C FELONY?

1                   DEFENDANT: SEVEN YEARS I THINK.

2                   THE COURT: IT'S UP TO SEVEN YEARS IN PRISON,  
3 DID YOU UNDERSTAND THAT BEFORE YOU ENTERED YOUR GUILTY  
4 PLEA?

5                   DEFENDANT: YES.

6                   THE COURT: ARE YOU PLEADING GUILTY BECAUSE  
7 YOU ARE IN FACT GUILTY AND ADMIT THAT YOU COMMITTED THE  
8 OFFENSE CHARGED?

9                   DEFENDANT: YES.

10                  THE COURT: TELL ME IN YOUR OWN WORDS WHAT  
11 YOU DID?

12                  DEFENDANT: I HAD **M.S.H.**               PERFORM ORAL  
13 SEX ON ME IN RIPLEY COUNTY.

14                  THE COURT: THE PROSECUTING ATTORNEY ALLEGES  
15 THAT ON OR ABOUT BETWEEN LATE NOVEMBER OR EARLY  
16 DECEMBER OF 2013, IN RIPLEY COUNTY, MISSOURI, YOU HAD  
17 DEVIATE SEXUAL INTERCOURSE WITH M.H., WHOSE DATE OF  
18 BIRTH IS JANUARY 15, 1999, AND AT THAT TIME M.H. WAS  
19 LESS THAN 17 YEARS OLD AND YOU WERE 21 YEARS OF AGE OR  
20 OLDER. IS THAT WHAT YOU DID?

21                  DEFENDANT: YES.

22                  THE COURT: ARE YOU SATISFIED WITH THE  
23 SERVICES OF YOUR ATTORNEYS?

24                  DEFENDANT: YES.

25                  THE COURT: MR. LISZEWSKI HAVE YOU AND MR.

1 MILLS DISCUSSED ALL OF THE DEFENDANT'S RIGHTS IN THE  
2 DEFENSE OF THIS CASE WITH HIM?

3 MR. LISZEWSKI: WE HAVE JUDGE AND I WOULD ADD  
4 FOR THE RECORD THAT INITIALLY MR. HAYNES HAD DANNY  
5 MOORE OUT OF POPLAR BLUFF AND CHRIS YARBRO. I WAS  
6 HIRED ABOUT 2015 BUT JUST TO MAKE THE RECORD CLEAR, I  
7 DIDN'T DO THE PRELIMINARY HEARING IN THE CASE BUT WE'VE  
8 WENT THROUGH ALL THE EVIDENCE AND DEPOSED EVERYONE.

9 THE COURT: HAVE YOU DISCUSSED WITH HIM THE  
10 EVIDENCE HE HAS PROVIDED YOU AND THE EVIDENCE WHICH YOU  
11 HAVE BEEN ABLE TO OBTAIN FROM THE PROSECUTOR AND OTHER  
12 SOURCES?

13 MR. LISZEWSKI: YES SIR.

14 THE COURT: DO YOU BELIEVE THE PROSECUTOR HAS  
15 PROVIDED YOU WITH ALL THE EVIDENCE OR LEADS TO ALL THE  
16 EVIDENCE SHE HAS?

17 MR. LISZEWSKI: I BELIEVE SHE HAS.

18 THE COURT: DO YOU HAVE ANY REASON TO BELIEVE  
19 THE DEFENDANT IS SUFFERING FROM ANY MENTAL DISEASE,  
20 DEFECTS OR DELUSIONS OF ANY KIND?

21 MR. LISZEWSKI: NO SIR.

22 THE COURT: DO YOU KNOW OF ANY REASON WHY THE  
23 COURT SHOULD NOT ACCEPT THE DEFENDANT'S PLEA OF GUILTY?

24 MR. LISZEWSKI: NO YOUR HONOR.

25 THE COURT: IS THERE ANY AGREED UPON

1 DISPOSITION IN THIS CASE?

2 MS. KRUG: THERE IS NOT YOUR HONOR.

3 THE COURT: OKAY. DO YOU ALL AGREE THAT  
4 THERE IS NO OTHER AGREEMENTS OTHER THAN TO DISMISS  
5 COUNTS ONE, TWO AND THREE?

6 MR. LISZEWSKI: THAT'S CORRECT YOUR HONOR.

7 THE COURT: IT'S AN OPEN PLEA AS TO COUNT  
8 FOUR?

9 MR. MILLS: CORRECT.

10 MR. LISZEWSKI: YES.

11 THE COURT: OKAY. WHAT WOULD THE STATE'S  
12 EVIDENCE BE AT TRIAL?

13 MS. KRUG: YOUR HONOR IF THE STATE PROCEEDED  
14 TO TRIAL THE EVIDENCE WOULD PROVE BEYOND A REASONABLE  
15 DOUBT THAT BETWEEN LATE NOVEMBER AND EARLY DECEMBER OF  
16 2013, AT THE DEFENDANT'S HOME ON ROUTE 1 IN DONIPHAN,  
17 MISSOURI, THE DEFENDANT WHO WAS 53 YEARS OLD, PUT HIS  
18 PENIS INTO THE MOUTH OF **M.S.H.**, WHO WAS THEN 14  
19 YEARS OLD AND HIS STEP-DAUGHTER. THE DEFENDANT WAS  
20 OVER THE AGE OF 21 AT THAT TIME, ACTUALLY HE WAS 53  
21 YEARS OLD. AGAIN HE MADE HER PERFORM ORAL SEX ON HIM  
22 UNTIL HE EJACULATED. THERE IS DNA EVIDENCE TO SUPPORT  
23 THAT.

24 THE COURT: SIR DID YOU HEAR WHAT THE  
25 PROSECUTOR SAID HER EVIDENCE WOULD BE AT TRIAL?

1 DEFENDANT: YES.

2 THE COURT: DO YOU AGREE THAT THAT WOULD BE  
3 THE EVIDENCE THAT SHE COULD PRESENT?

4 DEFENDANT: YES.

5 THE COURT: IS THERE ANYTHING YOU WISH TO ADD  
6 TO OR TAKE AWAY FROM HER STATEMENT?

7 DEFENDANT: NO SIR.

8 THE COURT: THE COURT FINDS THAT THE  
9 DEFENDANT'S PLEA OF GUILTY IS MADE FREELY, VOLUNTARILY  
10 AND INTELLIGENTLY, WITH FULL UNDERSTANDING OF THE  
11 CHARGE AND CONSEQUENCES OF THE PLEA AND WILL FULL  
12 UNDERSTANDING OF HIS RIGHTS ATTENDING A JURY TRIAL,  
13 AND THE EFFECT OF A PLEA OF GUILTY ON THOSE RIGHTS.  
14 THE COURT ALSO FINDS THAT THERE IS A FACTUAL BASIS FOR  
15 THE PLEA. THE COURT THEREFORE ACCEPTS THE DEFENDANT'S  
16 PLEA OF GUILTY TO THE CLASS C FELONY OF STATUTORY  
17 SODOMY IN THE SECOND DEGREE. THE COURT WILL ORDER A  
18 SENTENCING ASSESSMENT REPORT TO BE PREPARED AND FILED.  
19 WE NEED A DATE PROBABLY BEYOND FORTY-FIVE DAYS. IS  
20 THAT STILL ABOUT WHAT WE'RE LOOKING AT?

21 PROBATION OFFICER: YES.

22 THE COURT: TERRY DO WE HAVE ANY, I DON'T  
23 MIND TO GO TO RIPLEY COUNTY IF I CAN FIND A DAY.

24 MR. LISZEWSKI: JUDGE I WOULD EXPECT THAT WE  
25 WILL HAVE A FEW WITNESSES FOR SENTENCING. I OBVIOUSLY

1 CAN'T SPEAK FOR THE STATE. I'M NOT SURE IF THEY ARE  
2 GOING TO CALL ANYONE BUT PROBABLY AN HOUR TOPS FOR  
3 SENTENCING IS MY GUESS.

4 THE COURT: WORSE CASE SCENARIO SENTENCING  
5 WILL BE HOW LONG?

6 MR. MILLS: WE'RE ESTIMATING AN HOUR WORTH OF  
7 EVIDENCE FROM THE DEFENSE.

8 MS. KRUG: WELL ARE WE TALKING ABOUT TOTAL?

9 MR. LISZEWSKI: MAYBE AN HOUR AND A HALF. I  
10 DON'T WANT TO TRY AND PIGEON-HOLE YOU AND WE'LL TRY AND  
11 BE AS CONCISE AS WE CAN FOR SENTENCING JUDGE.

12 THE COURT: IF YOU WANT TO TRY TO DO IT HERE  
13 I COULD DO IT AS A NUMBER, I'VE GOT THREE CASES SET ON  
14 NOVEMBER 8<sup>TH</sup> AT 9:00.

15 MS. KRUG: JUDGE I HAVE A FIRST DEGREE MURDER  
16 TRIAL IN THE CITY OF ST. LOUIS STARTING ON THE 6<sup>TH</sup>. I  
17 WOULD LIKE TO THINK I'D BE DONE BY THEN BUT I CAN'T  
18 GUARANTEE IT.

19 THE COURT: OKAY. TERRY I'M SHOWING THAT I  
20 HAVE AN OPEN DAY ON THE 26<sup>TH</sup>.

21 COURT REPORTER: THAT WAS OUR LAW DAY BUT  
22 DIVISION I SCHEDULED A JURY TRIAL.

23 THE COURT: OH OKAY. I CAN DO THE 26<sup>TH</sup>.

24 MS. KRUG: I CAN DO THAT.

25 MR. LISZEWSKI: THAT WOULD BE FINE WITH ME.

1 THE COURT: DO YOU ALL WANT TO DO RIPLEY  
2 COUNTY, SHOULD WE DO RIPLEY COUNTY AND MAKE IT EASIER  
3 ON EVERYBODY?

4 MR. MILLS: THAT WOULD BE BETTER FOR  
5 WITNESSES.

6 THE COURT: THAT WOULD BE BETTER FOR  
7 EVERYBODY EXCEPT ME AND TERRY.

8 MS. KRUG: THAT WOULD BE FINE.

9 COURT REPORTER: DO YOU WE NEED TO SEE IF WE  
10 HAVE A COURTROOM?

11 THE COURT: DO THEY HAVE A LAW LIBRARY OR  
12 SOMETHING?

13 MR. LISZEWSKI: THEY HAVE A SMALL COURTROOM.  
14 JUDGE PRITCHETT TRADITIONALLY HAS LAW DAYS DOWN THERE  
15 ON THE SECOND AND FOURTH MONDAYS OF EACH MONTH BUT I'M  
16 SURE, I'M HEADED TO BUTLER COUNTY AFTER THIS TO TALK TO  
17 JUDGE PRITCHETT AND I'M SURE THAT THEY WILL CARVE OUT  
18 TIME FOR US.

19 THE COURT: WELL IF THEY HAVE A LITTLE  
20 HEARING ROOM, COUNTY COMMISSIONER'S OFFICE, WE CAN FIND  
21 A SPOT. I'VE DONE PLENTY OF HEARINGS IN CARDBOARD  
22 BOXES. THAT'S THE DATE, IS IT DONIPHAN, THAT'S  
23 PROBABLY A THREE HOUR DRIVE SO DO YOU ALL WANT TO DO  
24 1:00 O'CLOCK ON THE 26<sup>TH</sup>?

25 MR. MILLS: THAT'S FINE.



1 MR. LISZEWSKI: THAT WOULD BE FINE SIR.

2 THE COURT: OKAY. DEFENDANT IS ORDERED TO  
3 APPEAR NOVEMBER 26<sup>TH</sup> AT 1:00 P.M. FOR SENTENCING IN  
4 RIPLEY COUNTY. WE'LL REMOVE THIS FROM SEPTEMBER 25-27,  
5 2018 JURY TRIAL. ANYTHING ELSE ON THIS?

6 MS. KRUG: JUST PROCEDURALLY YOUR HONOR ON  
7 THE FILING OF THE NOLLE'S ANYTIME BETWEEN NOW AND THE  
8 TIME OF SENTENCING?

9 THE COURT: ANYTIME, YOU'RE ANNOUNCING, I AM  
10 GOING TO DO A DOCKET ENTRY THAT YOU'RE ANNOUNCING THE  
11 STATE ENTERS A NOLLE AS TO COUNTS ONE, TWO AND THREE?

12 MS. KRUG: YES.

13 THE COURT: OKAY I WILL SHOW STATE ENTERS  
14 NOLLE AS TO COUNTS ONE, TWO AND THREE, IF YOU WILL  
15 FOLLOW-UP WITH A FORMAL NOLLE.

16 MR. LISZEWSKI: THANK YOU JUDGE.

17 THE COURT: ALRIGHT. THANK YOU.

18

19

20

21

22

23

24

25

\* \* \* \* \*

CERTIFICATE OF COURT REPORTER

I, TERRY Y. LUTZ, OFFICIAL COURT REPORTER, 42<sup>ND</sup>  
JUDICIAL CIRCUIT, DIVISION II, SALEM, MISSOURI,  
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A  
TRUE AND CORRECT COPY OF THE PROCEEDINGS IN THE CASE  
OF STATE OF MISSOURI, PLAINTIFF, VS. CHARLES M. HAYNES,  
DEFENDANT, CAUSE NO. 13RI-CR00907-01, OF THE CASES OF  
RIPLEY COUNTY, MISSOURI, HAD ON THE 4<sup>TH</sup> DAY OF  
SEPTEMBER, A.D., 2018, HELD IN THE COUNTY OF WAYNE,  
STATE OF MISSOURI, BY AGREEMENT.

Terry Y. Lutz  
TERRY Y. LUTZ, O.C.R.  
OFFICIAL COURT REPORTER  
42<sup>ND</sup> JUDICIAL CIRCUIT  
DIVISION II  
6480 HIGHWAY O  
ROLLA, MISSOURI 65401